

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

QUIRY ALCANTARA,

Petitioner,

-against-

WILLIAM F. KEYSER,

Respondent.

20-CV-3099 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

Petitioner, currently incarcerated in Sullivan Correctional Facility, brings this *pro se* “emergency petition for a writ of extraordinary circumstance” seeking immediate release from custody because he is at high risk for COVID-19. The petition was originally filed in the United States District Court for the Eastern District of New York, which transferred it to the United States District Court for the Northern District of New York. That district court transferred the petition here. For the following reasons, the petition is dismissed without prejudice.

Petitioner has previously submitted to this Court a substantially similar petition that is pending before the Honorable Edgardo Ramos of this Court under docket number 20-CV-3079 (ER). Because this petition raises the same claims, no useful purpose would be served by the filing and litigation of this duplicate lawsuit. Therefore, this petition is dismissed without prejudice to Plaintiff’s pending case under docket number 20-CV-3079 (ER).

The Clerk of Court is directed to mail a copy of this order to Petitioner and note service on the docket. The petition is dismissed without prejudice as duplicative.

Because the petition at this time makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: April 22, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge